

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

USA

vs.

(1) Timothy Nuncio

§  
§  
§ NO: SA:21-CR-00183(1)-FB  
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§

**ORDER GRANTING CONTINUANCE AND  
AMENDING SCHEDULING ORDER**

The matter before the Court is Defendant's Unopposed Motion for Continuance filed *January 31, 2022* [# 133]. After reviewing the motion, it is the opinion of the Court that the trial in this case should be and is continued and makes the following amended schedule:

The deadline for notifying the Court of any **plea agreement** entered into by the parties in this cause is **Friday, March 25, 2022**. No plea agreement entered into after that date shall be honored by this Court without good cause shown for the delay.

**Docket call AND REARRAIGNMENT AND PLEA** are reset for **Tuesday, March 29, 2022 at 9:00 AM** in Courtroom G on the 3rd Floor of the United States Federal Courthouse, 262 W. Nueva Street, San Antonio, TX . **(Guilty plea will be taken at docket call – no other order will be sent.) DO NOT ASSUME A CONTINUANCE IS GRANTED -- YOU MUST HAVE A SIGNED ORDER BY THE COURT OR HAVE RECEIVED A CALL FROM THE COURTROOM DEPUTY OR COURT STAFF ADVISING OF SAME.**

**Jury selection and trial** are reset for **Monday, April 04, 2022 at 09:30 AM** Courtroom G, on the 3rd Floor of the United States Federal Courthouse, 262 W. Nueva Street, San Antonio, TX . Motions to Suppress will be heard immediately prior to jury selection or will be carried with the trial unless otherwise ordered by the Court.

The Court finds that the period between **Monday, February 07, 2022 and Monday, April 04, 2022** is a reasonable period of necessary delay to allow counsel time for preparation for trial. The Court further finds that the interest of justice served by taking this action outweighs the best interest of the public and the defendant in a speedy trial, and further finds that such

**period shall be excluded from the time within which the defendant must be brought to trial under the Speedy Trial Act pursuant to 18, United States Code, Section 3161(h)(7).**

**AS A REMINDER TO THE ATTORNEY FOR DEFENDANT:** If your client is in custody, arrangements should be made with the U.S. Marshal Service prior to the date of jury selection and trial to ensure your client has proper attire. In addition, whenever defendants or witnesses have a need for the services of the court **interpreter**, please notify Jaemie Herndon, Courtroom Deputy to Judge Biery, 210/472-6550, ext. 5005, no later than **five (5) days** before this court setting.

**All exhibits shall be marked with both the case and exhibit numbers by counsel prior to trial.**

The Clerk of Court shall send a copy of this order to the United States Attorney, attorney for defendant, United States Marshal, United States Probation Officer, and Pretrial Services Officer.

**Counsel for defendant shall notify defendant of this setting** and, if defendant is on bond, advise the defendant that he/she must be present for all court settings unless excused by the Court. If defendant is in **state custody, or a writ required**, the Assistant United States Attorney shall immediately prepare and file with the Clerk's Office the appropriate application and order.

IT IS SO ORDERED this 31st day of January, 2022.

  
FRED BIERY  
UNITED STATES DISTRICT JUDGE